

**REMARKS**

The Office action mailed on 24 March 2005 (Paper No. 041030) has been carefully considered.

The specification and Abstract are being amended to correct minor errors and improve form. Claims 1, 2, 5, 8, 10 thru 14, 16 thru 22, 25 thru 27 and 31 thru 33 are being amended. Thus, claims 1 thru 33 are pending in the application.

In paragraph 3 of the Office action, the Examiner rejected claims 1, 2, 5 and 8 under 35 U.S.C. §102 for alleged anticipation by Hatanaka *et al.*, U.S. Patent No. 6,397,000. In paragraph 4 of the Office action, the Examiner rejected claims 10 thru 19 and 27 thru 33 under 35 U.S.C. §102 for alleged anticipation by Katayama, U.S. Patent No. 5,915,066. In paragraph 5 of the Office action, the Examiner rejected claims 20 thru 22 and 24 thru 26 under 35 U.S.C. §102 for alleged anticipation by Amano *et al.*, U.S. Patent No. 4,772,959. In paragraph 7 of the Office action, the Examiner rejected claims 3, 4 and 6 under 35 U.S.C. §103 for alleged unpatentability over Hatanaka *et al.* '000 in view of Tao, U.S. Patent No. 6,243,481. In paragraph 8 of the Office action, the Examiner rejected claim 9 under 35 U.S.C. §103 for alleged unpatentability over Hatanaka *et al.* '000 in view of Amano '959. In paragraph 9 of the Office action, the Examiner rejected claim 7 under 35 U.S.C. §103 for alleged unpatentability over Hatanaka *et al.* '000 and Tao '481, and further in view of Amano '959. In paragraph 10 of the Office action, the Examiner rejected claim 25 under 35 U.S.C. §103 for alleged

unpatentability over Amano '959. In paragraph 11 of the Office action, the Examiner rejected claims 23 and 26 under 35 U.S.C. §103 for alleged unpatentability over Amano '959 in view of Tao '481. For the reasons stated below, it is submitted that the invention recited in the claims, as now amended, is distinguishable from the prior art cited by the Examiner so as to preclude rejection under 35 U.S.C. §102 and/or §103.

With respect to the rejection of independent claim 1 under 35 U.S.C. §102 for alleged anticipation by Hatanaka *et al.* '000, in paragraph 3 of the Office action, the Examiner sets forth the following correspondence between elements recited in claim 1 and elements disclosed in Figure 1 of Hatanaka *et al.* '000:

<b>Claimed Elements</b>	<b>Elements in Hatanaka <i>et al.</i> '000</b>
analog-to-digital converter	A/D 29
formatter	QPSK demodulator 6
recording selection unit	changeover switch selector 41
control unit	data processing circuit 19

There are several distinctions between the digital magnetic recording apparatus recited in claim 1 and the arrangement disclosed in Figure 1 of Hatanaka *et al.* '000. First, the claimed recording selection unit has an input for receiving the input audio signal, and has outputs connected to respective inputs of the analog-to-digital converter and the formatter. In contrast, the changeover switch selector 41 of Hatanaka *et al.* '000

does not have an input for receiving the input audio signal, and does not have outputs connected to respective inputs of the A/D 29 and the QPSK demodulator 6. Rather, the changeover switch selector 17 of Hatanaka *et al.* '000 has an input for receiving the output of the QPSK demodulator 6, and another input for receiving (via a multiplexer 32 and an audio encoder 31) the output of the A/D 29. Thus, contrary to that which is recited in independent claim 1, the changeover switch selector 41 of Hatanaka *et al.* '000 (which, according to the Examiner, corresponds to the recited recording selection unit) does not perform the function of the recording selection unit, that is, it does not perform the function of selectively transmitting an input audio signal to one of the input of the QPSK demodulator 6 (corresponding to the recited formatter, according to the Examiner) and the input of the A/D 29 (corresponding to the recited analog-to-digital converter, according to the Examiner).

For the latter reasons, the invention recited in independent claim 1 is distinguishable from Hatanaka *et al.* '000 so as to preclude rejection under 35 U.S.C. §102 or §103.

Turning to the rejection of independent claim 10 under 35 U.S.C. §102 for alleged anticipation by Katayama '066, in paragraph 4 of the Office action, the Examiner draws the following correspondence between the elements recited in claim 10 and elements disclosed in Katayama '066:

<b>Claimed Elements</b>	<b>Elements in Katayama '066</b>
digital-to-analog converter	audio demodulator 17 (Fig. 9)
deformatter	decoders 172 and 174 (Fig. 10)
decoder	decoder 174 (Fig. 10)
reproduction selection unit	signal type selector 164 (Fig. 10)

It is first noted that the Examiner cites an element in Figure 9 as corresponding to the recited digital-to-analog converter, but cites three elements contained in Figure 10 of the patent as corresponding to the recited deformatter, decoder and reproduction selection unit, respectively. It should be further noted that Figure 9 is described in the patent as “a block diagram of an optical disk reproduction apparatus ... according to an embodiment of the present invention” (quoting from column 5, lines 4-7 of the patent), while Figure 10 is described in the patent as “a block diagram of an audio/visual selector ... according to another embodiment of the present invention” (quoting from column 5, lines 8-10 of the patent). Thus, the Examiner’s citation of the audio demodulator 17 of Figure 9 as corresponding to the recited digital-to-analog converter, while citing elements 172, 174 and 164 of Figure 10 of the patent as corresponding to the recited deformatter, decoder and reproduction selection unit, does not make sense since the first element is a part of a first embodiment of an optical disk reproduction apparatus while the other three elements are part of a second embodiment of an audio/visual selector.

In the latter regard, it should be noted that, in amended claim 10, the reproduction

selection unit is recited as having outputs connected to respective inputs of the digital-to-analog converter and the deformatter. In contrast, in Katayama '066, the signal type selector 164 of Figure 10 does not have an input connected to an output of the audio demodulator 17 of Figure 9.

Further considering the Examiner's basis for rejection, it is noted that the Examiner cites decoders 172 and 174 as corresponding to the recited deformatter, while citing decoder 174 as also corresponding to the recited decoder. In that regard, it should also be noted that, in amended claim 10, the decoder is recited as having an input connected to an output of the deformatter. In contrast, in Katayama '066, the decoder 174 does not have an input connected to an output of the decoders 172 and 174 (corresponding to the recited deformatter, according to the Examiner). Thus, this is a further major distinction between the digital magnetic reproducing apparatus recited in amended claim 10 and the arrangement disclosed in Katayama '066 cited by the Examiner.

In addition, there is a major distinction between the function performed by the reproduction selection unit recited in claim 10 and that performed by the signal type selector 164 cited by the Examiner as corresponding to the recited reproduction selection unit. Specifically, the reproduction selection unit of claim 10 has an input for receiving general audio data, and has outputs connected to respective inputs of the digital-to-analog converter and the deformatter for selectively transmitting the general audio data read

from the magnetic tape to one of said deformatter and the digital-to-analog converter. In contrast, in Figure 10 of Katayama '066, the signal type selector 164 (cited by the Examiner as corresponding to the recited reproduction selection unit) does not selectively transmit general audio data read from the magnetic tape to the decoders 172 and/or 174. Rather, the signal type selector 164 receives an MPEG output from the decoder 172 and receives an AC-3 output from the decoder 174.

For the reasons as stated, it is submitted that the invention recited in independent claim 10, as amended, is distinguishable from the disclosure of Katayama '066 so as to preclude rejection under 35 U.S.C. §102 or §103.

Turning to the consideration of the rejection of independent method claim 20, in paragraph 5 of the Office action, the Examiner cites the following passages from Amano '959 as corresponding to the respective steps of claim 20: the "detecting" step - column 1, lines 43-46; the "formatting" step - column 1, lines 63-65; and the "recording" step - column 1, lines 52-55.

Considering the "detecting" step, the passage cited by the Examiner (column 1, lines 43-46) does not concern detection of the type of an input audio signal. Rather, the cited passage discusses the relationship between the sampling frequency of an audio signal and an integral multiple of a vertical synchronous signal of a video signal. This does not amount to the detection of the type of an input audio signal.

With respect to the “formatting” step recited in claim 20, the passage cited by the Examiner (column 1, lines 63-65) merely refers to means for dividing samples of the audio digital signal input on the recording side on the basis of field information on reproduction side. This does not amount to formatting an input audio signal in an appropriate size for storage and recording sectors of a magnetic tape, as recited in claim 20.

With respect to the “recording” step, the passage cited by the Examiner (column 1, lines 52-55), refers to the digital signal recording and reproducing apparatus as having “means for dividing samples of the audio digital signal for respective fields according to a predetermined rule” (quoting from column 1, lines 53-55 of Amano ‘959), but it is noted that this step appears sequentially prior to several other steps, the last of which is the “means for dividing samples” step (appearing at column 1, lines 63-65) which, according to the Examiner, corresponds to the “formatting step” of claim 20. That is to say, the sequence of operations in claim 20 is “detecting”, “formatting” and “recording”, whereas the steps disclosed in Amano ‘959 are not performed in the same sequence, that is, they are performed in a sequence corresponding to “detecting”, “recording” and “formatting”.

For the latter reasons, it is submitted that the inventive method as recited in claim 20 is distinguishable from the disclosure of Amano ‘959 so as to preclude rejection under 35 U.S.C. §102 or §103.

Finally, considering the rejection of independent method claim 27 under 35 U.S.C. §102 for alleged anticipation by Katayama '066, on pages 7 and 8 of the Office action, the Examiner sets forth the basis for that rejection. However, this rejection has the same problem as the rejection of independent apparatus claim 10, against which Katayama '066 was also cited under 35 U.S.C. §102. That is to say, the Examiner is selecting certain elements from Figure 10 of Katayama '066 as corresponding to steps performed in method claim 27, while selecting other elements disclosed in Figure 10 of Katayama '066 as corresponding to the other steps performed in method claim 27. As pointed out above, Figure 9 of Katayama '066 corresponds to an entirely different embodiment relative to that of Figure 10, and in fact, Figures 9 and 10 disclose entirely different arrangements, one being an optical disk reproduction apparatus (Figure 9) and the other being an audio/visual selector (Figure 10). In addition, as was the case with the rejection of claim 10, the rejection of claim 27 is based on the premise that elements 172 and 174 perform the "deformatting" step recited as the second step of claim 27, while identical element 174 also performs the "decoding" step appearing as a third step of claim 27. In other words, if element 174 performs the deformatting, then there is no provision for decoding the deformatted audio data. Conversely, if element 174 performs decoding, then there is no provision for deformatting the data prior to provision to the decoding operation.

For the above reasons, it is submitted that inventive method recited in claim 27 is distinguishable from the prior art so as to preclude rejection under 35 U.S.C. §102 or §103.



In view of the above, it is submitted that the claims of this application are in condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

No fee is incurred by this Amendment.

Respectfully submitted,



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